

IN THE DRAWINGS:

Please replace the drawings with the replacement drawings attached as Exhibit A.

REMARKS

The Office Action dated June 17, 2005, has been received and carefully considered. In this response, the specification, claims 1, 9, 10, 17 and 20 and Figures 1-4 have been amended, claims 7-8 and 18-19 have been canceled, and new claim 21 has been added. Entry of the amendments to the specification, claims 1, 9, 10, 17 and 20 and Figures 1-4, the cancellation of claims 7-8 and 18-19, and the addition of new claim 21, is respectfully requested. Reconsideration of the outstanding objections/rejections in the present application is also respectfully requested based on the following remarks.

I. **THE OBJECTION TO THE DRAWINGS**

On page 2 of the Office Action, the drawings were objected to as containing several informalities. Applicant has submitted replacement drawings for Figures 1-4 as requested by the Examiner.

In view of the foregoing, it is respectfully requested that the aforementioned objection to the drawings be withdrawn.

II. **THE OBJECTION TO THE SPECIFICATION**

On page 3 of the Office Action, the specification was objected to as containing several informalities. Applicant has amended the specification, as requested by the Examiner.

In view of the foregoing, it is respectfully requested that the aforementioned objection to the specification be withdrawn.

III. **THE ENABLEMENT REJECTION OF CLAIMS 7-9 AND 18-20**

On page 4 of the Office Action, claims 7-9 and 18-20 were rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification

in such a way as to enable one skilled in the art to make and/or use the invention. This rejection is hereby respectfully traversed.

Applicant appreciates the Examiner pointing out the inconsistencies in the specification, but respectfully disagrees that they result in the specification failing to describe the invention to enable one skilled in the art to make and/or use the invention. Applicant respectfully submits that the specification enables one of ordinary skill in the art to make and/or use the invention despite the inconsistencies, but has nonetheless amended the specification to correct the inconsistencies. No new matter has been added.

In view of the foregoing, it is respectfully requested that the aforementioned enablement rejection of claims 7-9 and 18-20 be withdrawn.

IV. THE INDEFINITENESS REJECTION OF CLAIMS 7-9 AND 18-20

On page 4 of the Office Action, claims 7-9 and 18-20 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the invention. This rejection is hereby respectfully traversed.

Applicant respectfully submits that the amendments to the specification have overcome this rejection.

In view of the foregoing, it is respectfully requested that the aforementioned indefiniteness rejection of claims 7-9 and 18-20 be withdrawn.

V. THE OBVIOUSNESS REJECTION OF CLAIMS 1-20

On page 5 of the Office Action, claims 1-6 and 10-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Groth (article, Common-sense risk assessment). On page 7 of the Office Action, claims 7-9 and 18-20 were rejected under 35 U.S.C. § 103(a) as being

unpatentable over Groth in view of Dzinkowski (article, Rulers of risk management). This rejection is hereby respectfully traversed.

As stated in MPEP § 2143, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Although Applicant does not agree with the pending rejections, Applicant has nonetheless amended the claims to incorporate features and functionality not disclosed by the cited references. For example independent claim 1 now recites the steps of: determining a detection index based on the number of responses to each of the series of questions; determining an occurrence index based on the potential consequence of non-compliance; determining a standard severity risk index based on the expected severity of non-compliance; and prioritizing, via the computer network, the at least one business category based on the at least one user's responses and at least one total risk score comprising the product of the detection, occurrence and standard severity risk indices. Independent claim 10 has been amended in similar fashion.

Applicant respectfully submits that none of the cited references -- alone or in combination -- teach or suggest any feature or functionality that: (1) determines a detection index based on the number of responses to each of the series of questions, (2) determines an occurrence

index based on the potential consequence of non-compliance, (3) determines a standard severity risk index based on the expected severity of non-compliance, and (4) prioritizes the at least one business category based on the at least one user's responses and at least one total risk score comprising the product of the detection, occurrence and standard severity risk indices. Rather, Applicant respectfully submits that both Groth and Dzinkowski, alone or in combination, fail to teach or suggest *each and every* limitation of claims 1 and 10, as amended. Neither, for example, includes any disclosure relating to a detection index, an occurrence index, a severity risk index, or a total risk score based on the product of the three. Accordingly, Applicant respectfully submits that independent claims 1 and 10, as amended, are allowable over the cited references.

Claims 2-9 and 11-21 are dependent upon independent claim 1 or 10. Thus, since independent claim 1 and 10 should be allowable as discussed above, claims 2-9 and 11-21 should also be allowable at least by virtue of their dependency on independent claim 1 or 10. Moreover, these claims recite additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination. For example, claim 21 recites wherein the detection index is determined by the following formula:

$$\text{Detection index} = \frac{\sum_{i=1}^n i(\# \text{ of answers}_i)}{(d)(n)},$$

wherein i refers to each possible response; $\#$ of answers $_i$ refers to the number of queries or questions that were answered with a particular response i ; n refers to the total number of queries or questions in that category; and d refers to the number of departments or units responding. Applicant respectfully submits that none of the cited references teaches or suggests

the method of claim 1 wherein the detection index is determined according to the formula of claim 21.

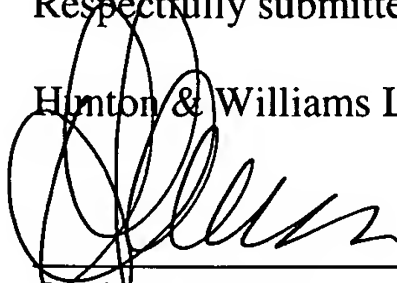
In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 1-20 be withdrawn.

VI. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

Please charge any shortage in fees due in connection with the filing of this paper,
including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess
fees to the same deposit account.

Respectfully submitted,
Hunton & Williams LLP
By: 
Ozzie A. Farres
Registration No. 43,606

OAF/djda

Hunton & Williams LLP
1900 K Street, N.W.
Washington, D.C. 20006-1109
Telephone: (202) 955-1500
Facsimile: (202) 778-2201

Date: November 17, 2005